IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3510 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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M J OZA - Petitioner(s)
Versus
COMMISSIONER OF HIGHER EDUCATION & 2 - Respondent(s)

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Appearance :
MR AD OZA for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1, 3,
Mr. Maulik Nanavati, AGP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 23/11/2006

ORAL JUDGMENT

By way of this Special Civil Application under Article 226 of the Constitution of India, the petitioner, who was at the relevant time, denied the pay-scale of Class-I Lecturer, has

prayed for an appropriate writ, order or direction directing the respondents to assess the salary of the petitioner along with Class-I Lecturer.

2. By interim order, salary/pay of the petitioner was protected. Shri Hemang Raval, learned advocate for the petitioner has submitted that during the pendency of the present Special Civil Application the petitioner was promoted to the post of Principal of Gujarat Arts and Science College, Ahmedabad and thereafter the petitioner was put at an appropriate place in the Seniority List and the petitioner has thereafter retired. It is further submitted by Mr. Raval that during the pendency of the present petition the pay of the petitioner was protected along with Class-I Lecturer.

3. In view of the above, more particularly when the petitioner has now retired and during

the pendency of the petition even his pay was also protected, no further order is required to be passed by this Court. It is, however, observed that whatever pay and allowances which the petitioner as Class-1 Lecturer had received, are not required to be recovered from the petitioner on dismissal of the present Special Civil Application. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

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